

**City of York Board of Zoning Appeals
Minutes
August 8, 2022**

Members Present:

Chairperson James Ramere
Becca Caldwell
Rodney Blair
Jill Neff
Strauss Shiple
Bryant Brown

Members absent:

Myra Sinz

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
(see sign-in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

The first item of business was approval of the draft Minutes from the July 6, 2022 meeting. Upon a Motion by Becca Caldwell, seconded by Rodney Blair, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

The second item of business was a special exception request regarding entryway signage for the Monterey Park Subdivision.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Zoning Administrator Blackston indicated the following regarding the application:

1. As Chairperson Ramere noted, the second item of business was a special exception application for entryway signage for the Monterey Park subdivision to be located at the intersection of Hunter Street and South Pacific Avenue.
2. The applicant is Meritage Homes and the property is referenced by York County Tax Map Id #'s 0701601052 and 0700616001.
3. The property is currently zoned R5 – Multifamily Residential.
4. The approved plan for the project specified that such proposed freestanding signage must be reviewed through the special exception process via the Board of Zoning Appeals.
5. The applicant has requested approval of the special exception application and supporting information provided in the meeting packet.

6. For comparison purposes, the Minutes from previous meetings were provided in the meeting packet regarding previously-approved signage for the Asbury Ridge and Abrial Ridge projects. Similar to these projects, line-of-sight, landscaping, etc. requirements will need to be met.
7. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a special exception can be issued. **The criteria should be included and addressed in a BZA Motion.**
 - a. The proposed design and location of the particular development.
 - b. The possible traffic-generating characteristics of the proposed development.
 - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - d. The availability of public utilities, facilities and services.
8. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
9. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
10. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
11. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Bryant Brown, the BZA unanimously approved the special exception application as submitted.

The third item of business was a special exception request regarding Working Theory Beer Company LLC brewpub.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the third item of business is a special exception application for a proposed brewpub - Working Theory Beer Company, LLC - to be located at 16 East Liberty Street.
2. The applicant was Working Theory Beer Company, LLC and the property is referenced by York County Tax Map Id # 0701101011.
3. The property is currently zoned B1- Central Business.
4. The Zoning Ordinance specified that proposed brewpubs in the B1 – Central Business District must be reviewed through the special exception process via the Board of Zoning Appeals.
5. A brewpub is defined as a tavern or restaurant that produces on the permitted premises a minimum of 100 and a maximum of 2000 barrels per year, respectively. A minimum of 25% of the barrel production must be sold on the premises.

6. The applicant requested approval of the special exception application and supporting information provided in the meeting packet.
7. Since the property is located in the City's Local Historic District, please note that the applicant was given approval for exterior renovations and signage per the provided certificate of appropriateness application at the August 1st Board of Architectural Review meeting (subject to your approval of the special exception application).
8. Any special exception approval should be conditioned on the applicant submitting site plan, construction documents, etc. for the project detailing compliance with all City, State, Federal, etc. requirements for review and approval by City Staff. Such requirements include minimum parking, fire and building code standards, State law requirements regarding minimum separation from a church and other pertinent uses, etc.
9. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a special exception can be issued. **The criteria should be included and addressed in a BZA Motion.**
 - a. The proposed design and location of the particular development.
 - b. The possible traffic-generating characteristics of the proposed development.
 - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - d. The availability of public utilities, facilities and services.
10. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
11. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
12. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
13. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Bryant Brown, the BZA unanimously tabled the special exception application as submitted until the September 19th BZA meeting so that the applicant can provide more detailed information and the BZA can further review all pertinent issues.

There being no further business, the meeting was adjourned at 8:00 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP
Planning Director

Amanda C. Blackston,
Zoning Administrator

cc: City Manager Seth Duncan
File- Board of Zoning Appeals 8/8/2022